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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,285	02/24/2004	William R. Newnes	ACE-19436	9994
10361	7590	10/25/2004	EXAMINER	
ANTONY C. EDWARDS SUITE 800 - 1708 DOLPHIN AVENUE KELOWNA, BC V1Y 9S4 CANADA			ALIE, GHASSEM	
			ART UNIT	PAPER NUMBER
			3724	

DATE MAILED: 10/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/784,285

Applicant(s)

NEWNES ET AL.

Examiner

Ghassem Alie

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on the filing date of the application.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 4, 5, and 15-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim 4, "said perimeter edges" lack antecedent basis. Regarding claim 15, "said beam web" lacks antecedent basis.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and are rejected under 35 U.S.C. 102(b) as being anticipated by St-Pierre et al. (5,680,888), hereinafter Pierre. Regarding claim 1, Pierre teaches a lumber trimmer 10 including a low profile housing having at least one pair of clam shell doors 76, 80 wherein the housing contains an array of drop saws 30 which may be accessed for maintenance from the top of the housing by the opening of the clam shell doors 76, 80. The doors 76 and 80 define a clam shell door since they are opened and closed similar to clam shells. See Figs. 1 and 2 and col. 3, lines 17-67 and col. 5, lines 26-65 in Pierre.

Regarding claim 3, Pierre teaches everything noted above including that an upper compartment which may be closed by closing the clam shell doors 76, 80. See Fig. 1 in Pierre.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

Obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patent ability shall not be negative by the manner in which the invention was made.

6. Claim 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pierre in view of Woodham (6,543,498). Regarding claim 11, Pierre teaches everything noted above, but Pierre does not expressly teach a pair of drive belts where a first drive belt extending between a saw hub of each the drop saw and a pivoting hub of the saw latter, and wherein a second drive belt extends from the pivoting hub of the saw ladder to a drive shaft of a corresponding single drive motor of the drive motors. Woodham teaches a pair of drive belts 22, 52 where a first drive belt 22 extending between a saw hub 20 of each drop saw 18 and a pivoting hub 48 of a saw latter 62, and wherein a second drive belt 52 extends from the pivoting hub 48 of the saw ladder 62 to a drive shaft of a corresponding single drive motor 50 of the drive motors. See Figs. 1 and 9-11 and col. 4, lines 3-67 and col. 5, lines 1-45 in Woodham. It would have been obvious to provide Pierre's lumber trimmer with the drive arrangement as taught by Woodham in order to drive the saw blades with separate motors and selectively lowering some of the saw blades downwardly in cutting engagement with the logs while the remaining saw blades remaining at upward position.

Regarding claim 12, Pierre as modified above teaches everything noted above including that the single motor drive 50 drives a second belt drive. Pierre also teaches that second belt drive. Pierre as modified above also teaches that the second belt drives oppositely

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shafts extending through the pivoting hubs of the saw ladders 62 so as thereby drive a pair of the first drive belts 22 each of the first drive belts 22 driving one of a pair of opposed facing drop saw blades 18. Pierre as modified above does not teach that the second belt drives includes two belt drives. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to divide the second belts into a pair of belts, since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179.

Regarding claim 13, Pierre as modified above teaches everything noted above including that the pair of first drive belts 22 are most outwardly disposed on either side of the pair of opposed facing saw blades. Two of the saw blades in Fig. 1 in Woodham are facing opposite one another. In addition, it would have been obvious to a person of ordinary skill in the art to face the pair of the blades opposite one another, since the blades function the same when they are facing one another or opposing one another. See Figs. 9-11 in Woodham.

Regarding claim 14, Pierre as modified above teaches everything noted above including that the pivoting hubs inherently includes eccentric surfaces on saw ladder pivot tubes and saw ladders 62 releasably rigidly mounted to the pivot tubes. The saw ladders inherently have pivot tubes. See Figs. 9-11 in Woodham.

Regarding claims 15 and 16, as best understood, Pierre as modified above teaches everything noted above including that the pivoting hubs mounted to the beam 70 and pivot tubes, as modified by Woodham, rotatably mounted within the pivot housing, wherein releasing the rigid mounting of the saw ladders to the pivot tubes allows rotation of the eccentric surface so as to thereby tension or detension the first drive belts. Pierre as modified

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above also teaches that the first and second drive belts rotate about a common shaft which is co-axial with axis of rotation of the saw ladders. See Fig. 1 in Pierre and Figs. 9-11 in Woodham.

7. Claim 17, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over Pierre in view of Woodham, as applied to claim 11, and in further view of Johnson.

Regarding claim 17, Pierre as modified above teaches everything noted above except that the pivot housings are releasably mountable to the beam into a mating channel, so that the position of the pivot housing may be adjusted relative to the length of the beam and secured thereto once desired spacing has been achieved. However, Johnson teaches pivot housings 20 are releasably mountable to a beam 16 into a mating channel, so that the position of the pivot housing 20 may be adjusted relative to the length of the beam 16 and secured thereto once desired spacing has been achieved. The outwardly extending flanges of the I-beam 16 defined a mating channel. See Figs. 1-8 in Johnson. It would have been obvious to a person of ordinary skill in the art to provide Pierre's lumber trimmer, as modified by Woodham, with the fastening means for the pivot housings and a beam with the mating channel as taught by Johnson in order to adjust the position of saw blades along the beam.

To the degree that it could be argued that the doors 76, 80 in Pierre are not a pair of clam shell doors an alternative rejection follows:

8. Claims 1-3 and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pierre in view of Hirshman (1,893,743) or Mancha (1,480,089). Regarding claim 1, Pierre teaches a lumber trimmer 10 including a low profile housing having at least one pair doors 76, 80 wherein the housing contains an array of drop saws 30 which may be

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accessed for maintenance from the top of the housing by the opening of the doors 76, 80. The doors 76 and 80 are capable of being used for the maintenance and cleaning. Pierre does not teach expressly that the doors are clamp shell doors. However, the use of clamp shell doors for enclosing a housing or the like is well known in the art such as taught by Hirshman or Mancha. Hirshman teaches a housing 10 that can be covered by different type of doors including clam shell doors 14, 15. See Figs. 1-4 in Hirshman. Mancha also teaches a pair of clamp shell doors coving a housing A. See Figs. 1 and 20 and page 1, lines 40-55 in Mancha. It would have been obvious to a person of ordinary skill in the art to enclosed the housing of Pierre's lumber trimmer by the doors 76, 80 in clamp shell style as taught by Hirshman or Mancha, since the clam shell doors for enclosing a housing is an alternative way to cover a housing and it works the same as other type of covers or doors such as full-cover or two half-covers.

Regarding claims 2 and 3, Pierre as modified by Hirshman or Mancha teaches everything noted above including that the shell doors open oppositely so as to pivot about opposite perimeter edges of the top of the housing and covers an upper compartment. The upper compartment is defined by space within the housing of the drop saw assembly 30. See Figs. 1 in Pierre, Hirshman, and Mancha.

Regarding claim 6, Pierre teaches everything noted above including that the compartment had a floor which provides a walkway for maintenance personnel. The floor can be defined as the support table for the conveyor 18 and a person is capable of walking within the upper compartment and accesses the saw drop assembly 30.

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Regarding claim 7, Pierre as modified by Hirshman or Mancha teaches everything noted above including that at least one of the shell doors is sheeted and shaped so that when fully open, a second walkway is provided along the length of the housing. The pier door 80 is sheeted and it can be used as a second “walkway” along the length of the housing.

Regarding claim 8, Pierre teaches everything noted above including that at the array of drop saws 30 are mounted in and along a first half of the compartment, on one side of the beam 70, and wherein the drop saws are rotatably mounted on saw ladders 41 which themselves are pivotally mounted to the beam 70. See Fig. 1 in Pierre.

9. Claim 4, 5, 9, and 10, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Pierre in view of Hirshman or Mancha, as applied to claim 1, and in further view of Johnson (1,802,514). Regarding claim 4, Pierre as modified by Hirshman or Mancha teaches everything noted above including that the upper compartment is bisected by a beam in 70 which runs parallel with the perimeter edges which clam shell doors, as modified by Manacha, pivot. However, Pierre as modified above does not teach that the beam is in the form of an I-beam. The use of I-beam for supporting drop saws or gang saws are well known in the art such as taught by Johnson. Johnson teaches a drop saw assembly 16 supported by an I-beam 16. See Figs. 1-4 and page 1, lines 70-85 in Johnson. It would have been obvious to a person of ordinary skill in the art to replace the beam of Pierre’s lumber trimmer, as modified above, with an I-beam support as taught by Johnson, in order to support the saw assembly rigidly to the frame or the housing in an alternative way.

Regarding claim 5, Pierre as modified above teaches everything noted above including that the upper flanges of beam, as modified by Johnson, mate with distal ends of



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the clam shell doors when the doors are closed. Pierre's doors as modified by Hirshamn or Mancha cover the flanges of Pierre's beam, as modified by Johnson.

Regarding claims 9 and 10, Pierre teaches everything noted above including that the saw ladder actuators 42 are mounted on an opposite side of the beam web, in a second half of the compartment. Pierre's beam web, as modified by Johnson and replaced Pierre's beam 70, is capable of supporting drive motors and saw ladder actuators 42 on an opposite side of the web beam and the ladders 41 drop saws 32 at the opposite side of the web beam. Pierre as modified above does not teach that the saw ladder actuators are stroke. However, Official notice is taken that the use of apertures within beam in which cylinders stroke is well known in the art such as is evident in taught by Cooper, Jr. et al. (4,823,664) or Hamel (5,785,102).

10. Claim 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pierre in view of Hirshman or Mancha, as applied to claim 1, and in further view of Woodham (6,543,498). Regarding claim 11, Pierre as modified by Hirshman or Mancha teaches everything noted above, but Pierre as modified above does not expressly teach a pair of drive belts where a first drive belt extending between a saw hub of each the drop saw and a pivoting hub of the saw ladder, and wherein a second drive belt extends from the pivoting hub of the saw ladder to a drive shaft of a corresponding single drive motor of the drive motors. Woodham teaches a pair of drive belts 22, 52 where a first drive belt 22 extending between a saw hub 20 of each drop saw 18 and a pivoting hub 48 of a saw ladder 62, and wherein a second drive belt 52 extends from the pivoting hub 48 of the saw ladder 62 to a drive shaft of a corresponding single drive motor 50 of the drive motors. See Figs. 1 and 9-11 and col. 4, lines 3-67 and col. 5, lines 1-45 in Woodham. It would have been obvious to provide Pierre's

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lumber trimmer, as modified above, with the drive arrangement as taught by Woodham in order to drive the saw blades with separate motors and consequently selectively lowering some of the saw blades downwardly in cutting engagement with the logs while the remaining saw blades remaining at upward position.

Regarding claim 12, Pierre as modified above teaches everything noted above including that the single motor drive 50 drives a second belt drive. Pierre also teaches that second belt drive. Pierre as modified above also teaches that the second belt drives oppositely shafts extending through the pivoting hubs of the saw ladders 62 so as thereby drive a pair of the first drive belts 22 each of the first drive belts 22 driving one of a pair of opposed facing drop saw blades 18. Pierre as modified above does not teach that the second belt drives includes two belt drives. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to divide the second belts into a pair of belts, since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179.

Regarding claim 13, Pierre as modified above teaches everything noted above including that the pair of first drive belts 22 are most outwardly disposed on either side of the pair of opposed facing saw blades. Two of the saw blades in Fig. 1 in Woodham are facing opposite one another. In addition, it would have been obvious to a person of ordinary skill in the art to face the pair of the blades opposite one another, since the blades function the same when they are facing one another or opposing one another. See Figs. 9-11 in Woodham.

Regarding claim 14, Pierre as modified above teaches everything noted above including that the pivoting hubs inherently includes eccentric surfaces on saw ladder pivot

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tubes and saw ladders 62 releasably rigidly mounted to the pivot tubes. The saw ladders inherently have pivot tubes. See Figs. 9-11 in Woodham.

Regarding claims 15 and 16, as best understood, Pierre as modified above teaches everything noted above including that the pivoting hubs mounted to the beam 70 and pivot tubes, as modified by Woodham, rotatably mounted within the pivot housing, wherein releasing the rigid mounting of the saw ladders to the pivot tubes allows rotation of the eccentric surface so as to thereby tension or detension the first drive belts. Pierre as modified above also teaches that the first and second drive belts rotate about a common shaft which is co-axial with axis of rotation of the saw ladders. See Fig. 1 in Pierre and Figs. 9-11 in Woodham.

11. Claim 17, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over Pierre in view of Hirshman or Mancha and Woodham, as applied to claim 11, and in further view of Johnson. Regarding claim 17, Pierre as modified above teaches everything noted above except that the pivot housings are releasably mountable to the beam into a mating channel, so that the position of the pivot housing may be adjusted relative to the length of the beam and secured thereto once desired spacing has been achieved. However, Johnson teaches pivot housings 20 are releasably mountable to a beam 16 into a mating channel, so that the position of the pivot housing 20 may be adjusted relative to the length of the beam 16 and secured thereto once desired spacing has been achieved. The outwardly extending flanges of the I-beam 16 defined a mating channel. See Figs. 1-8 in Johnson. It would have been obvious to a person of ordinary skill in the art to provide Pierre's lumber trimmer, as modified above, with the fastening means for the pivot housings and a beam with

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the mating channel as taught by Johnson in order to adjust the position of saw blades along the beam.

***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Leining et al. (4,525,896), Cooper, Jr. Et al. (4,823,664), Hamel (5,785,102), Joa (3,036,605), Storm (5,094,654), Williams et al. (6,213,539), Richards et al. (5,787,774), Mizer (4,967,448), Wuthworth et al. (6,305,259), Seid et al. (4,259,886) teach a lumber trimmer.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (703) 305-4981.

The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on (703) 305-1082. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9302 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

GA/ga

October 20, 2004

  
Allan N. Shoap  
Supervisory Patent Examiner  
Group 3700